

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

Stephen R. Ludwig, Clerk

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March 13, 2009

## **Hourly and Case Maximum Increases for Criminal Justice Act Attorneys**

Congress recently passed, and the President signed into law on March 11, 2009, the Omnibus Appropriations Act, 2009 (Pub. L. No. 111-8), the spending measure which includes fiscal year 2009 funding for the Judiciary. As detailed below, (1) the Congress authorized and provided funds to increase the capital and non-capital hourly rates for Criminal Justice Act (CJA) private “panel” attorneys; and (2) the change in the non-capital hourly rate results in an adjustment to the attorney case compensation maximum amounts.

### **INCREASES IN CJA PANEL ATTORNEY HOURLY RATES**

Congress authorized and provided funds to raise the non-capital hourly panel attorney compensation rate from \$100 to \$110, and the maximum hourly capital rate from \$170 to \$175 (for federal capital prosecutions and capital post-conviction proceedings). These rates apply to attorneys appointed to represent eligible persons under the CJA, 18 U.S.C. § 3006A, and the Antiterrorism and Effective Death Penalty Act of 1996, codified in part in 18 U.S.C. § 3599.

**The new hourly compensation rates apply to work performed on or after March 11, 2009.**

Where the appointment of counsel occurred before this effective date, the new compensation rates apply to that portion of services provided on or after March 11, 2009.

### **INCREASES IN THE PANEL ATTORNEY CASE COMPENSATION MAXIMUMS**

As explained in my memorandum of October 16, 2008, the “Judicial

Administration and Technical Amendments Act of 2008,” Pub. L. No. 110-406, amended the CJA to raise the case compensation maximums applicable to appointed panel attorneys in non-capital representations “simultaneously” with aggregate percentage increases in the maximum non-capital hourly compensation rate. The case compensation maximums resulting from the increase in the hourly rate to \$110 include, for example:

\$8,600 for felonies at the trial court level and \$6,100 for appeal  
(previously \$7,800/\$5,600);

\$2,400 for misdemeanors at the trial court level and \$6,100 for appeal  
(previously \$2,200/\$5,600);

\$8,600 for non-capital post-conviction proceedings under 18 U.S.C. §§ 2241, 2254 or 2255 and \$6,100 for appeal (previously \$7,800/\$5,600).

**The new case compensation maximums apply to a voucher submitted by appointed counsel if that person furnished any CJA-compensable work on or after March 11, 2009.**

The former case compensation maximums apply to a voucher submitted by appointed counsel if that person’s CJA-compensable work on the representation was completed **before March 11, 2009**.

Sincerely,

Stephen R. Ludwig

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